



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 25, 1998

Ms. Christine Mirbagheri
Assistant City Attorney
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-0532

Dear Ms. Mirbagheri:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112964.

The Dallas Police Department (the "department") received a request for the entire investigation file pertaining to a report of an aggravated robbery. A representative sample of the information at issue was submitted to this office for review.¹ You assert that the information at issue is protected from disclosure under section 552.108 of the Government Code.

We note that initially that section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Thus, front page offense report information must generally be disclosed, since this type of information provides basic information about the allegations. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) (front page offense report information generally considered public). The department must provide to the requestor basic, front page offense report information, but we will consider your argument that section 552.108 protects the remaining information from disclosure.

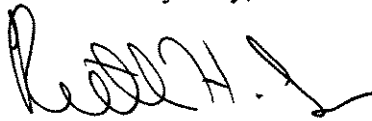
Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You explain that the requested

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

information is part of an open file in which there is further pending investigation. Based upon your assertion that the information is part of an ongoing criminal investigation, we agree that section 552.108(a)(1) protects the remaining information at issue from disclosure. We also note that the department has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 112964

Enclosures: Submitted documents

cc: Mr. Scott Sessions
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Dallas, Texas 75207-2196
(w/o enclosures)